

**DISTRICT V ADVISORY BOARD
AGENDA**

**February 2, 2004
7:00 p.m.**

**Auburn Hills Golf Course Clubhouse
355 S. 135th West**

ORDER OF BUSINESS

Call to Order

Approval of Minutes for January 5, 2004

Approval of Agenda for February 2, 2004

Public Agenda

1. Scheduled items – None have been scheduled

2. Off-agenda items

Recommendation: Provide comments/take appropriate action.

Staff Presentations

3. Community Police Report

Community Police Officers for District V will report on specific concerns for beat areas.

Recommended Action: Receive and file

4. Police Department Professional Standards Bureau

Chief Norman Williams and Lt. Michael Allred will present information and updates on the Department's Professional Standards Bureau including statistical data on complaints as well as address questions or concerns about the complaint process.

Recommended Action: Provide comment

5. Animal Maintenance Code Revisions

Kay Johnson, Environmental Health, will present proposed revisions to City Code for maintaining domestic animals within the city

Recommended Action: Provide input concerning additional revisions and recommend adoption by the City Council.

6. Miles Hidden Lake Sewer Proposed Project

Jack Brown, Environmental Health, will present information regarding a proposed sanitary sewer project for a 6-block area located west of Maize Road and South of Maple

Recommended Action: Recommend that staff initiate the project by ordering-in sanitary sewer

7. Evergreen Street proposed sewer project

Jack Brown, Environmental Health, will present a proposal for sanitary sewer for 13 properties located on Evergreen (east side of street), in Delano Township, east of Tyler between Maple & North 2nd Street

Recommended Action: Recommend that staff initiate the project by ordering-in sanitary sewer

Planning Agenda

8. CUP2003-66 DP50 #4 (Associated with ZON2003-75)

Donna Goltry, Planning Department, will present a request to amend outdoor storage requirements of General Provision #25, in association with a requested zone change to “GC” General Commercial for the portions of Parcel 3 currently zoned “LC” Limited Commercial. Change is requested to allow outdoor storage and display. The property is located North of Kellogg and east of Tyler Road (Home Depot).

Recommended Action: Recommend approval with conditions.

Board Agenda

9. Updates, Issues, and Reports

Report on any activities, events, or concerns in the neighborhoods and/or District V.

Council Member Martz

- Issues/updates

DAB Members

- Other concerns/issues/updates

Recommended Action: Address each item, as appropriate.

Next Meeting

The next meeting for District Advisory Board V is scheduled on **March 1, 2004** at Auburn Hills Clubhouse at 7:00 p.m.

Adjournment

**City of Wichita
District V Advisory Board Meeting
February 2, 2004**

TO: City Council Member
District Advisory Board Members

SUBJECT: **Wichita Police Department Professional Standards Bureau**

INITIATED BY: Lt. Michael B. Allred

AGENDA: Staff Presentations

Recommendations: Provide Public Comment

Background: One of the 2003 goals for the Wichita Police Department Professional Standards Bureau is to continue the community education process regarding the role of Professional Standards and the process to file a complaint or compliment. In 2001, then Capt. Zumalt and Lt. Allred attended the District Advisory Board meeting for each of the six districts. The purpose of presenting at those public meetings was to increase community awareness and to hear any suggestions about changes to improve the overall efficiency of the Administrative Internal Investigation process.

Analysis: To meet this goal, the Police Department will present information on the changes that have taken place over the past several years, provide statistical data on the complaints this year and to field any questions or concerns about the complaint process.

Financial Considerations: None

Legal Considerations: None

Recommendation/Actions: It is recommended that the District Advisory Board provide feedback.

**City of Wichita
District Five Advisory Board Meeting
February 2, 2004**

TO: Council Member Martz
District Five Advisory Board Members

SUBJECT: Revision of Animal Maintenance Code

INITIATED BY: Environmental Health Department

AGENDA: New Business

Recommendations:

Provide input and recommend approval by the City Council.

Background:

Maintenance of domestic animals within the City is governed by Chapter 6.12 of the City Code. Standards specify the numbers and types of animals allowed, require proper sanitation of facilities, and provide for confinement of animals. Permits are required for maintenance of specified quantities or types of animals.

Analysis:

Current regulations may not always preclude creation of nuisance conditions. Based on complaints received and conditions encountered, Environmental Health staff have drafted revisions to the present code. Major changes are detailed on the attached summary; and all changes are shown on the delineated code copy provided.

Financial Considerations:

Revised permit fees will generate \$10,000 to \$15,000 annually in additional revenue.

Legal Considerations:

The Law Department has reviewed the revised code, and will create an implementing ordinance for submission to the City Council.

Recommendation/Actions:

Provide input concerning additional revisions, and recommend adoption by the City Council.

Chapter 6.12 KEEPING ANIMALS AND FOWL Preliminary Draft 01-22-04

Section 6.12.010 Definitions.

Section 6.12.020 Enforcement by ~~h~~Health ~~e~~Officer --Powers--Duties.

Section 6.12.030 Permit to keep--Fees listed--Exception.

Section 6.12.040 Number of certain animals limited.

Section 6.12.045 Keeping of Certain Fowl Prohibited

Section 6.12.050 *Kennels and Catteries* ~~Kennel or cattery--Consent of neighbors and confinement of cats.~~

Section 6.12.060 Hog maintenance.

Section 6.12.070 Domestic animal shelters *and enclosures* ~~Consent of neighbors.~~

Section 6.12.080 Health standards--Minimum listed.

Section 6.12.085 Pet shop, kennel, cattery, *and animal "day care"* regulations.

Section 6.12.090 Pigeons--Conditions for keeping--Letting loose in city.

Section 6.12.095 Waivers

Section 6.12.100 Premises open for inspection.

Section 6.12.110 Compliance required.

Section 6.12.120 Penalty for violations.

Section 6.12.130 Severability.

Section 6.12.010 Definitions.

"Person" as used in this chapter means any individual, firm, association, joint stock company, syndicate, partnership or corporation, *other state franchised business entity such as a professional association, limited liability company, or limited liability partnership*, or other organization of any kind.

"Domestic animals" as used in this chapter means all ~~vertebrate and invertebrate~~ animals such as, but not limited to, *dogs, cats, bovine* cattle, horses, hogs, goats, rabbits,

sheep, chickens, ducks, geese, turkeys, pigeons, and other fowl or wild mammals or birds that have been tamed or domesticated.

"Fowl" as used in this chapter means all domesticated animals that are included in the zoological class Aves *other than ratites*.

"Ratites" as used in this chapter means domesticated large flightless birds classified as livestock under Kansas law, such as ostriches and emu.

"Domestic animal shelters" as used in this chapter means all pens, houses, or *fenced enclosures* structures where domestic animals are confined, such as, but not limited to, hutches, cotes, lofts, kennels, *dog runs*, warrens, feed lots, barns or other buildings and enclosures.

"Waste" or "wastes" as used in this chapter means manure or the body discharge of all domestic animals, spilled feed or unconsumed feeds, and liquid cleaning wastes including suspended solids resulting from cleaning operations.

"Refuse" as used in this chapter means all putrescible and nonputrescible waste materials (except animal body discharges) such as trash, garbage, dead animals, paper, cardboard, tin cans, glass, wood, metals, salvage, or inert materials produced or accumulated in connection with the maintenance of domestic animals.

"Garbage" as used in this chapter means the putrescible animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food for human beings.

"Premises" as used in this chapter means a lot, tract or parcel of land including the dwelling and structures, if any, located thereon.

"Residential classification" as used in this chapter shall apply to persons who maintain domestic animals on premises with less than five acres of land provided, that such domestic animal maintenance shall only consist of the keeping of domestic animals as pets *or as a hobby or* for personal use.

"Commercial classification" as used in this chapter shall apply to persons who maintain domestic animals on premises used for kennels, catteries, *animal "day care" businesses*, poultry houses, rabbit slaughter houses, medical research facilities, pet shops, stables, riding academies, promotional demonstrations and domestic animal shows where admissions are charged or where the circumstances in carrying out the particular animal maintenance involve the holding, raising or care of domestic animals offered as a service or sale directly to the general public, provided that a cattery where all the cats are owned by the cattery operator and all the cats are kept inside a building on premises used for residential purposes shall be permitted as a home occupation in accordance with *Section Title 28.04.020* of this code and subject to the requirements of Title 6 of this code.

"Industrial classification" as used in this chapter shall apply to persons who maintain domestic animals on premises used for livestock auctions, packing plants and locker plants, feed lots and scientific enterprises involving livestock, or where the conduct of such activity involves the holding, raising or care of domestic animals offered as a service or sale not directly to the general public. Such operations are to be conducted only in those areas where the land use of such area is industrial.

"Agricultural classification" as used in this chapter shall apply to persons who maintain domestic animals or bees on premises having a land area of five acres or more and where there are maintained no more than one head of cattle or two head of sheep or one head of horses or two head of goats per acre of land used for such maintenance and where part of

the animal sustenance is obtained from grazing. ~~provided, that animals maintained for the production of Grade A milk for pasteurization or Grade A raw milk for human consumption for which a milk permit has been issued by the Wichita Sedgwick County Department of Community Health provided further, that such animals maintained for such milk production are excluded from the one head of cattle per acre standard.~~

"Kennel" as used in this chapter means any premises where there is being maintained a total of five or more dogs or more than two unspayed female dogs *for business purposes*, except veterinary hospitals. *This term does not include foster homes operated under the auspices of rescue organizations licensed by the Kansas Department of Animal Health.*

"Cattery" as used in this chapter means any premises where there is being maintained or harbored a total of five or more cats or more than two unspayed female cats, except veterinary hospitals. *This term does not include foster homes operated under the auspices of rescue organizations licensed by the Kansas Department of Animal Health.*

"Stockyards" means a public terminal stockyards posted by the packers and stockyards division of the United States Department of Agriculture, ~~such as the Wichita Union Stockyards.~~

"Veterinary hospitals" means a domestic animal hospital operated by a doctor of veterinary medicine, licensed by the state. Veterinary hospitals are excluded from the classification definitions as used in this chapter.

"Health ~~o~~Officer" as used in this chapter means the director of ~~the Wichita Sedgwick County Department of Community Health~~ *City of Wichita Department of Environmental Health* or his *or her* authorized representative, ~~including sanitarians or public health engineers in the employ of the Wichita Sedgwick County Department of Community Health. (Ord. No. 36-308 (part); Ord. No. 30-624 § 8; prior Ord. No. 26-547 § 1)~~

Section 6.12.020 Enforcement by ~~h~~Health ~~o~~Officer--Powers--Duties.

The ~~h~~Health ~~o~~Officer shall be responsible for the enforcement of this chapter and is hereby authorized to make such investigations, to issue notices, orders, and directions as are necessary for the enforcement of the provisions of this chapter and shall issue permits as herein required. ~~At least one evaluation of all animal shelters shall be made once each year prior to the issuance of an annual permit.~~

~~The health officer in conducting the animal evaluation of veterinary hospitals shall make all inspections in cooperation with a licensed veterinarian designated by the Sedgwick County Veterinary Medical Association. All veterinary hospitals approved as meeting the provisions of Section 6.12.080 of this chapter shall receive a certificate of approval from the health officer and in cooperation with the Wichita Sedgwick County Department of Public Health, the Sedgwick County Veterinary Medical Association shall render reasonable consultation on zoonotic problems of public health importance through is designated representative to the health officer. Further, the health officer in conjunction with the advice from the Sedgwick County Veterinary Medical Association is hereby authorized to make and adopt such rules and regulations as may be necessary for the proper supervision and environmental control of domestic animal hospitals, domestic animal clinics, or other facilities used by practicing veterinarians; provided that, such~~

rules and regulations shall not be in conflict with the provisions of this chapter, and that all such rules and regulations as the health officer in conjunction with the Sedgwick County Veterinary Medical Association may determine necessary for the proper and effective environmental control of domestic animal hospitals, domestic animals clinics, or other facilities used by practicing veterinarians shall be subject to the approval of the board of city commissioners and shall be binding and effective and filed in the office of the city clerk.

—For all animal maintenance coming under the regulation of the United States Department of Agriculture, the health officer shall make such inspections in cooperation with representatives of the department of agriculture, if available; however, in the case of a public health emergency the health officer may make inspections independently. (Ord. No. 26-288 § 2)

Section 6.12.030 Permit to keep--Fees listed--Exception.

Any person keeping in his possession and control or who is keeping or harboring or maintaining within the corporate limits of the city more than ~~five~~ *three* fowl, ~~two~~ *rabbits*, two dogs, two cats, ~~two~~ *sheep*, or one ~~or more~~ *sheep*, goats, horses, cows, ~~ratite~~, or more than two domestic animals of another kind, shall secure a permit from the ~~department of community health~~ *Department of Environmental Health* and pay an annual fee to the license collector in accordance with the appropriate classification as follows: residential classification, ~~six dollars (on and after July 1, 1986, the fee for such residential classification shall be ten dollars)~~ *twenty dollars*; commercial classification, ~~seventeen dollars and fifty cents (on and after July 1, 1986, the fee for such commercial classification shall be twenty-five dollars)~~ *fifty dollars*; industrial classification, ~~twenty-five dollars~~ *one hundred dollars*; agricultural classification, ~~seven dollars and fifty cents (on and after July 1, 1986, the fee for such agricultural classification shall be ten dollars)~~ *fifty dollars*; *agricultural classification, for bee keeping only, twenty dollars*. *Permits shall not be required for indoor non-commercial maintenance of fish, nonpoisonous amphibians and reptiles allowed by Section 6.04.040, birds, and small rodents or fur-bearing mammals.*

Should any person come under the terms of more than one classification, it is herein provided that he shall pay a permit fee at the highest applicable rate; provided, that for persons engaged in the business or operation of dog shows, demonstrations, livestock shows or any other shows or exhibitions involving domestic animal maintenance on any premises or in any building or structure under the jurisdiction of the city manager or in connection with 4-H livestock shows, the permit fee may be waived subject to all other provisions of this chapter. (Ord. No. 39-250 § 3)

Section 6.12.040 Number of certain animals limited.

No more than the following enumerated domestic animals, nor more than three different kinds of domestic animals shall be maintained on any one premise coming

within the definition of the term residential classification; two nanny goats, ~~twenty-five~~ ~~twelve~~ rabbits, ~~twenty-five~~ ~~twelve~~ fowl *other than pigeons*, ~~(except pigeons)~~, two hundred ~~twenty-five~~ pigeons, two horses or other equines, one cow, two sheep, ~~two~~ ~~ratites~~, ~~twenty-five~~ fur-bearing animals, such as, but not limited to, mink or chinchilla, provided that up to one hundred chinchilla may be permitted as a home occupation, four dogs, four cats or two domestic animals of other kinds not herein specified, subject to the provisions of this chapter, provided that this section shall apply only to mature animals that are fully weaned and shall not apply to common carriers transporting domestic animals to or through the city; and providing further, that any person who wishes to maintain up to five horses or other equines, may do so by submitting *must submit* to the health officer with the initial application, the written consent of the majority of the householders of properties immediately adjacent to the property upon which the horses or other equines are to be maintained, including properties directly across the street or alley; provided, further that such animal maintenance shall be subject to the provisions of this chapter and provided further that renewal of a permit for five horses or other equines, shall be made provided that a written protest signed by the majority of the householders of properties immediately adjacent to the property upon which the horses or other equines are being maintained, including properties directly across the street or alley, is not received by the health officer and further provided that such animal maintenance complies with the provisions of this chapter. (Ord. No. 30-624 § 10; prior Ord. No. 26-547 § 5)

Section 6.12.045 Keeping of Certain Fowl Prohibited

It is unlawful for any person to keep or maintain roosters (male chickens,) guinea cocks, peacocks, or other birds that by nature exhibit loud calls within the corporate limits of the city, except for stockyards or packing house operations, special scientific operations in industrial areas, or activities in conjunction with livestock shows; provided further that other commercial, industrial or agricultural maintenance of roosters may be approved if the commercial, industrial or agricultural premises is located five hundred or more feet from any area zoned SF5, TF3, B, or MF29 as defined in Title 28 of this code.

Section 6.12.050 Kennels and Catteries ~~Kennel or cattery--Consent of neighbors and confinement of cats.~~

Kennels where a total of five or more dogs or more than two unspayed female dogs are maintained for business purposes may not be located in residential areas zoned SF5, TF3, B, or MF29. Subject to the provisions of this chapter no person shall own, maintain or operate any kennel or cattery for the purpose of holding, breeding or raising dogs or cats within the corporate limits of the city without submitting to the health officer with the initial application the written consent of the majority of households of all properties immediately adjacent to such kennel or cattery, including properties directly across the street or alley; providing that renewal of a permit for a kennel or cattery shall be made providing that a written protest signed by the majority of householders of all properties immediately adjacent to such kennel or cattery including properties directly across a street or alley, is not received by the health officer, and providing that such animal

~~maintenance complies with the provisions of this chapter.~~ All cats maintained at a cattery in residential areas zoned SF5, TF3, B, or MF29 shall be confined inside a structure. *In addition to the permit required under this chapter, commercial catteries located in residential zoning districts SF5, TF3, B, or MF29 require issuance of a home occupation license through the Office of Central Inspection.* ~~(Ord. No. 30-624 § 11; prior Ord. No. 26-556 § 1)~~

Section 6.12.060 Hog maintenance.

(a) Except as provided in subsection (b) of this section, it is unlawful for any person to keep or maintain any hog pens or hogs or male goats within the corporate limits of the city, except for stockyards or packing house operations, special scientific operations in industrial areas, or activities in conjunction with livestock shows; provided further that other industrial or agricultural maintenance of hogs may be approved if the industrial or agricultural premises is located five hundred or more feet from any area zoned ~~AA, A, B, or RB~~ SF5, TF3, B, or MF29 as defined in Title 28 of this code; provided, however, that this distance requirement may, ~~subject to prior approval of the health officer,~~ be waived by the *Health Officer city council*.

(b) Registered purebred miniature Vietnamese potbelly pigs and other similar registered purebred miniature pigs may be kept within the city limits, subject to the conditions stated in subsections (c) and (d) of this section.

(c) It is unlawful for any person to maintain a registered purebred miniature pig which:

- (1) Weighs more than eighty pounds;
- (2) Is not spayed or neutered upon reaching maturity;
- (3) Has not undergone a blood test to show the animal is free from pseudorabies; or
- (4) Is maintained as a food source.

(d) It is unlawful for any person to:

(1) Keep a registered purebred miniature pig without a current animal maintenance permit;

(2) Maintain more than one registered purebred miniature pig at one licensed premises. ~~(Ord. No. 41-746 § 1)~~

Section 6.12.070 Domestic animal shelters ~~and enclosures—Consent of neighbors.~~

Domestic animal shelters and enclosures used for horses or other equines, a cow, sheep, ratites, or similar large domestic animals ~~All domestic animal shelters, except those used for pigeons, cats and dogs, and those domestic animals sheltered within a human dwelling,~~ coming within the definition of the term residential classification shall not be less than ~~fifty~~ *two hundred* feet from any *adjacent* dwelling and not less than ten feet from any property line; ~~provided, however, that the ten-foot setback standard shall be waived for any person maintaining domestic animals as herein provided if he submits to the health officer with the initial application the written consent of the majority of~~

householders of all properties within ten feet of the animal enclosure including properties directly across an alley where the animal enclosure is within ten feet of the alley, provided, that after the initial permit has been issued the ten foot setback requirement shall be waived until and unless a written protest by the majority of the householders of properties within ten feet of the animal enclosure, including properties directly across an alley where the animal enclosure is within ten feet of the alley, is received by the health officer; provided further, that such animal maintenance shall be subject to the provisions of this chapter. All other domestic animal shelters coming within the definition of the term residential classification shall not be less than ten feet from any property line. Domestic animal shelters coming within the definition of the terms of commercial and industrial classification shall not be less than ~~one hundred and fifty~~ two hundred feet from any adjoining premise that is located in an area that is zoned SF5, TF3, B, or MF29AA, A, B, or RB as defined in Title 28 of this code; Provided, however that the distance requirement affecting domestic animal shelters coming within the definition of the terms of commercial classification or industrial classification may, subject to prior approval of the health officer, be waived by the board of city commissioners. (Ord. No. 30-624 § 12; prior Ord. No. 26-547 § 9)

Section 6.12.080 Health standards--Minimum listed.

That the following minimum environmental health standards shall be observed and followed by persons subject to the terms of this chapter;

(a) All domestic animal shelters shall be cleaned at least once each week or ~~more~~ as often ~~if~~ as necessary to prevent or control odors, fly breeding, and rodent infestation; provided, however, that this shall not apply to grazing areas coming within the definition of the term agricultural classification or to stockyards.

(b) Domestic animal shelters owned or operated by a stockyards shall be cleaned as often as is necessary, as determined by the ~~h~~Health ~~e~~Officer, to control fly breeding or to control other conditions adversely affecting the public health.

(c) Collected fecal material and other solid organic waste shall be disposed of at a sanitary landfill ~~or transfer station~~, fertilizer processing plant, ~~or by proper dispersal on land used for agricultural purposes~~, ~~or other method approved by the Health Officer~~.

(d) Grain or protein feed shall be stored in tightly covered rodent proof metal containers or rodent proof bins.

(e) Premises subject to the terms of this chapter shall be maintained free of rodent harborage, ~~such as improperly stored materials, enclosed partition walls, and wooden floors closer than twelve inches to the ground~~.

(f) Use shall be made of ~~anti-coagulant rodenticides for the control of rodents and organo-phosphorus insecticides for the control of flies or any other~~ effective chemical ~~or other approved~~ means for the control of rodents and flies.

(g) Use shall be made of soil sterilants and herbicides or other effective means for the control of weeds and grass around structures and buildings.

(h) All domestic animal shelters and board fences shall be maintained in good repair and that all animal shelters and board fences subject to residential and commercial classification shall be protected from deterioration by painting.

(i) Enclosures, including fences, for where domestic animals such as horses, cows, sheep and goats, *ratites, or other livestock or large animals* are maintained by persons subject to a residential classification permit shall be constructed in a manner, using dimension lumber materials, or other effective means to prevent domestic animals from breaking out or causing hazard to persons or property.

(j) Garbage shall not be fed to fowl.

(k) Refuse shall be stored in proper containers or in a manner approved by the Health Officer and disposed of at least once each week or as frequently as may be required by the Health Officer.

(l) ~~Provided further, that the solid w~~Wastes accumulated from the cleaning of domestic animal shelters maintained by persons subject to a residential classification permit as herein provided shall be stored in metal containers, with tight-fitting metal lids, and all such stored or accumulated wastes shall be disposed of at least once each week.

(m) ~~Provided further, that b~~Barbed-wire fences and electrically charged fences shall not be permitted for animal enclosures shelters except on properties for which an agricultural classification permit is held or has strands six feet above ground level, ~~or except on other properties for barbed wire within six inches of the ground surface or except on other properties where the barbed wire fence or electrically charged fence is protected by an exterior fence.~~

(n) ~~Provided further, that h~~ Holding lots, pens and floors of sheds and buildings where domestic animals are held and which are maintained by persons subject to an industrial classification permit according to the terms of this chapter shall be surfaced with concrete or asphaltic materials and ~~that the drainage system of such surfaced areas shall include proper retaining walls and traps to control the waste from draining into water courses.~~ and s Such drainage systems shall be subject to the approval of the Health Officer; ~~P~~provided that the Health Officer shall may waive this standard for domestic animal holding operations where such animal holding is longer than twenty-four hours ~~for any domestic animal involved~~ or where dirt lots are more appropriate to the proper care of cattle, horses, ~~or sheep, or other livestock.~~

(o) ~~Provided further, that solid w~~Wastes accumulated from the cleaning of domestic animal shelters maintained by persons subject to a commercial, industrial or agricultural permit according to the terms of this chapter shall be stored on concrete slabs or other facilities, such as dirt lots on which is stockpiled manure with an exposed perimeter as approved by the Health Officer; ~~Provided that a~~ All solid wastes shall be properly disposed of at least once each week or less often as may be approved by the Health Officer. (Ord. No. 30-624 § 13: prior Ord. No. 26-288 § 8)

Section 6.12.085 Pet shop, kennel, cattery, and animal "day care" regulations.

All pet shops, commercial catteries, and kennels, and pet "day care" businesses shall:

(a) Maintain records and retain such records for a two year period on all dogs and cats maintained in such facility. Such records shall show breed, color, markings, sex and age; date received and source including name and address of owner or previous owner; purpose for which the animal is maintained; date and disposition of animal including name and address of new owner if applicable; disease prevention and/or treatment and by whom;

(b) Provide cages and pens constructed of nontoxic, easily cleanable, water impervious materials if used for confining animals and shall keep such cages and pens clean and sanitary at all times;

(c) Provide adequate space and ventilation to prevent overcrowding and to minimize contagion;

(d) Provide general environmental conditions including endoparasite and ectoparasite control, clean wholesome food and water, weather protection and clean and sanitary facilities other than housing so as to enhance the health and well being of such animals.

~~(Ord. No. 30-624 § 14)~~

Section 6.12.090 Pigeons--Conditions for keeping--Letting loose in city.

Every person who owns, controls, keeps, maintains or harbors any pigeons in the city shall at all times keep them confined in proper cages or pens; Provided, however, that what are generally known as seamless banded pigeons, being pigeons banded by a recognized association of pigeon fanciers, may be released in compliance with this section; Provided further, that this section shall not apply to common carriers of interstate commerce who have received shipments of such seamless banded pigeons in releasing such pigeons within the corporate limits of the city for the purpose of starting such pigeons in a pigeon race. Any person owning or keeping any seamless banded pigeons such as flying tipplers, tumblers, homing pigeons or rollers may ~~at the time of securing a license as provided for in Section 6.12.030 hereof, have endorsed upon such license a permit to~~ release such pigeons for exercise or performance, upon the condition that the owner or person who has possession of such pigeons shall not permit them to alight upon the buildings or property of others. ~~(Ord. No. 26-288 § 9)~~

Section 6.12.095 Waivers

The Health Officer may grant a variance to the requirements of this chapter based on the following criteria: features of the site for which the variance is requested are not compatible with the requirements of this chapter; alternative methods are available which will attain the objectives of this chapter; the Health Officer determines that the variance will not adversely affect public health and safety or natural resources.

Section 6.12.100 Premises open for inspection.

All places and premises on which any domestic animals as described by this chapter are kept or maintained shall be open ~~at all times~~ *during reasonable hours* for inspection

by the ~~h~~Health ~~e~~Officer. If on such an inspection any person who has been granted a permit or license is found violating any of the regulations prescribed in this chapter, such person shall be given a written notice of such violation and if such violation or violations do not cease within twenty-four hours, the permit may be revoked or canceled by action of the ~~h~~Health ~~e~~Officer, subject to the right of appeal to the ~~city council~~ *Municipal Court* within ten days. (~~Ord. No. 26-288 § 10~~)

Section 6.12.110 Compliance required.

No person shall have in his possession or control or shall keep, harbor, or maintain domestic animals within the corporate limits of the city except as herein provided. (Ord. No. 26-288 § 11)

Section 6.12.120 Penalty for violations.

Any person who is convicted in the municipal court of violating any provisions of this chapter is guilty of a misdemeanor and shall be punished by a fine of not more than five hundred dollars or by imprisonment in the city jail for a period not exceeding six months or by both such fine and imprisonment. Each day that any violation of this chapter occurs shall constitute a separate offense and shall be punishable hereunder as a separate violation. (Ord. No. 41-746 § 2)

Section 6.12.130 Severability.

Should any section or provision of this chapter for any reason be held void, unconstitutional or invalid, it shall not affect the validity of any other section or provision hereof which is in itself not void, unconstitutional or invalid. (Ord. No. 26-288 § 13)

Proposed Animal Maintenance Code Changes – February 2004

Current Code	Proposed Code
Minimum number of animals requiring a permit in residential zones: 5 fowl, 2 sheep, 3 dogs, 3 cats, 1 goat, 1 horse, 1 cow, 2 domestic animals of any other kind	4 fowl, 1 sheep, 3 dogs, 3 cats, 1 goat, 1 horse, 1 cow, 1 ratite*, 2 domestic animals of any other kind * Ratite – (ostrich, emu)
No specific exception for non-commercial indoor maintenance of fish, nonpoisonous amphibians and reptiles, birds, and small rodents or mammals animals	Permits not required
Maximum number of animals allowed in residential zones: 4 dogs, 4 cats, 25 rabbits, 25 fowl, 200 pigeons, 2 horses, 1 cow, 2 sheep, 2 goats, 25 fur-bearing animals	4 dogs, 4 cats, 12 rabbits, 12 fowl, 25 pigeons, 2 horses, 1 cow, 2 sheep, 2 goats, 2 ratites; fur-bearing animals require non-residential zoning
Enclosures for large domestic animals (horses, etc.) must be 50 feet from dwellings and have written consent of the majority of adjacent householders	Enclosures for large domestic animals must be 200 feet from adjacent dwellings and 10 feet from property lines
No distance requirements for dogs, cats, or pigeons	Enclosures for small animals must be 10 feet from property lines
No prohibition on keeping roosters.	Roosters, guinea cocks, peacocks, or other noisy birds prohibited in residential zones
Kennels or catteries in residentially zoned districts require written consent of the majority of adjacent householders	Commercial kennels not allowed in residential zones (in compliance with zoning regulations); cats in a cattery must be confined inside a structure
No provisions for variances	The Health Officer may grant variances that do not adversely affect public health and safety or natural resources
Residential permits, \$10; commercial permits, \$25; industrial permits, \$25; agricultural permits, \$10	Residential permits, \$20; commercial permits, \$50; industrial permits, \$100; agricultural permits, \$50; agricultural bee keeping, \$20
Minor changes have been made to reflect new designations for zoning districts, the change from a joint City/County health department to a City environmental health department, and corrections in or grammar.	
All changes are shown on the delineated copy of the code. Deletions are shown in strikeout font, and additions are shown in <i>italics</i> .	

**City of Wichita
District Advisory Board V
February 2, 2004**

TO: District Advisory Board Members DAB V

SUBJECT: Miles Hidden Lakes proposed sewer project

INITIATED BY: Department of Environmental Health

AGENDA: New Business

Recommendations: Approve initiation of the ordering in process for public sewer.

Background: There are six lots on blocks 5 and 6 of Miles Hidden Lake Addition, currently served by septic systems and water wells, the addition is located west of Maize Road and South of Maple. At least 1 residence in the area is experiencing problems with their on-site septic system and has asked for public sewer extension. An evaluation of the area by staff indicates that these soil and ground water conditions in this are not optimal for the use of on-site septic systems. Staff is recommending that due to these environmental conditions and history of failures and replacement of septic systems that a project be developed to serve these six lots with public sewer. Records indicate a history of flooding, shallow ground water, and poorly drained soils in this area.

Analysis: Failing septic systems present immediate health and environmental concerns. Surfacing sewage and failing systems may harm human health, degrade groundwater quality, and negatively affect the adjacent lake. Health and environmental concerns, and limiting factors for septic system replacement warrant the extension of sanitary sewer service. Staff has developed preliminary estimates of the cost and scope of the project. The process to be followed will be to further refine project costs and complete preliminary engineering design work.

Financial Considerations: City engineering has estimates the cost of the sewer project at 83,00 and approximately \$13,833 per lot.

Legal Considerations: The City of Wichita has authority under Kansas law to order in sewer.

Recommendation/Actions: That staff initiate the process of ordering in sewer.

**City of Wichita
District # Advisory Board Meeting
February 2, 2004**

TO: District Advisory Board V

SUBJECT: Evergreen Street proposed sewer project - Maple to 2nd Street

INITIATED BY: Department of Environmental Health

AGENDA: New Business

Recommendations: Recommend that process for ordering in sewer be initiated.

Background: There are 13 properties located on Evergreen (east side of street), in Delano Township, east of Tyler between Maple and North 2nd Street that are not served by sanitary sewer that pre-dates current standards for on-site septic systems. Current regulations require properties to connect to sanitary sewer when service is within 150 feet of the property. Sanitary sewer borders the proposed benefit district to the north and south and would need to be extended to serve the area.

Analysis: Staff has evaluated the proposed project area. Records indicate failing on-site septic systems and surface wash water discharges in the project area. Failing septic systems and surfacing sewage present immediate health concerns. Other factors that contribute concerns for public and environmental health are undocumented septic systems, unknown construction design, and separation distances from private water wells, possible gray water discharge, and space limiting issues for septic system replacement on most lots including buildings, horse corrals, trees, and poor drainage of storm water runoff (east half of lots).

Financial Considerations: Preliminary City engineering estimates the cost of the sewer project to be \$165,000 or approximately \$11,000 per lot.

Legal Considerations: The City of Wichita has authority under Kansas State law to authorize the project.

Recommendation/Actions: Recommend that the process for ordering in the sewer be initiated.

Attachment: map

STAFF REPORT

MAPC January 22, 2004

DAB V February 2, 2004

CASE NUMBER: CUP2003-00066; ZON2003-00075 DP-50 Carriage House Community Unit Plan Amendment #4

APPLICANT/AGENT: HD Development of Maryland, c/o The Home Depot USA Inc. #2204. c/o Kim Biolchini, Store Manager (owner); AM Consulting, Inc. c/o Kim Edgington (agent)

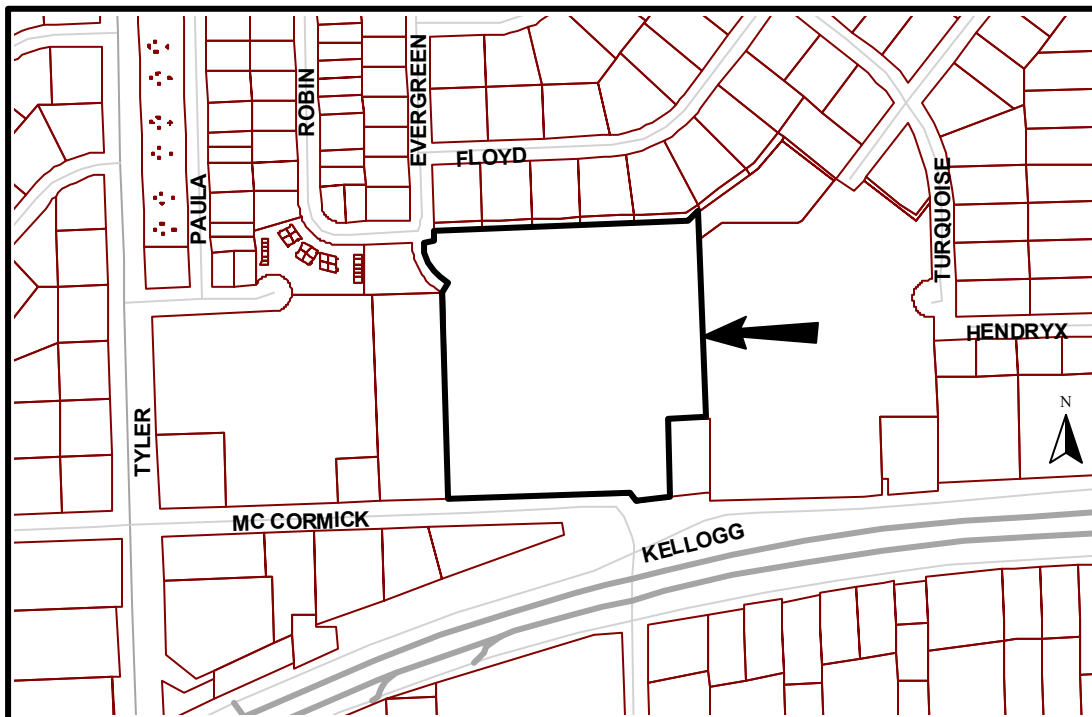
REQUEST: Amend Parcel 3 to expand storage/display areas on parcel

CURRENT ZONING: "LC" Limited Commercial and "GC" General Commercial

SITE SIZE: 11.07 acres

LOCATION: North of Kellogg and east of Tyler Road

PROPOSED USE: Home improvement store



BACKGROUND: The applicant is requesting to rezone the “LC” Limited Commercial portions of Parcel 3 of DP-50 Carriage House Community Unit Plan to “GC” General Commercial, and to amend General Provision #25 regarding outdoor storage and display. Parcel 3, an 11.07-acre tract, is developed with The Home Depot.

The parcel currently has a narrow 35-foot strip of “LC” zoning along the north property line as a buffer to protect the abutting residential dwellings. Additionally, the developer constructed an eight-foot screening wall and the northern 20 feet of the property was deeded to the abutting residential landowners as reserves for the placement of buffer landscaping. (Amendment #1, approved June 9, 1998)

The parking lot also is zoned “LC” in order to restrict the amount of outdoor storage on the parcel and limit the extent of outdoor display. Under “LC” requirements, all outdoor display of merchandise for sale must be within ten feet of the building. The property has been in violation of these conditions from time to time. Most recently, shed buildings were placed along the west parcel line extending from the building for about 250 feet, which was significantly more than the allowed distance from the main building. After enforcement action by Office of Central Inspection, the sheds have been moved to the front of the building and are now in compliance with the “LC” screening standards.

The property immediately to the north is zoned “SF-5” Single-family Residential and is part of the Floyd Bailey Second Addition. The “LC” zoning along the north property line was part of the agreed conditions by the developer to protect the neighborhood from the effects of the more intensive use of the parcel by a large home improvement store. The property south of the Home Depot parking lot is zoned “GC” General Commercial but has been developed with the headquarters of a financial institution since the construction of the Home Depot. The rest of the frontage is at-grade with the new Kellogg Freeway under construction. The property to the east is zoned “LC” Limited Commercial and has a large vehicle sales lot that is developed with “LC” type of conditions equivalent to a Conditional Use as part of Amendment #2, approved August 24, 1999. The property to the west is mostly “LC”, with the northwest corner rezoned “GC” for an enclosed vehicle compound for an internet-based vehicle sales operation (Amendment #3, approved March 7, 2000). This business is no longer in operation. Today the property to the west is the location of two fast-food businesses and a strip center with a variety of tenants, including a post office substation, some retail, and a large office use. The area to the northwest of Parcel 3 is zoned “MF-29” and has a social service facility and condominium townhouses.

CASE HISTORY: The property is platted as Carriage House Plaza Fourth Addition, recorded August 27, 1998. The original C.U.P. was approved December 2, 1980. (See previous discussion for additional case history.)

ADJACENT ZONING AND LAND USE:

NORTH:	“SF-5”	Single-family residential
SOUTH:	“GC”	Financial institution, Kellogg Freeway
EAST:	“LC”	Vehicle sales
WEST:	“LC”; “GC”; “MF-29”	Restaurant, retail, office, condominiums

PUBLIC SERVICES: McCormick is a four-lane arterial that provides access from Tyler to the retail destinations to the east of the Ridge/Kellogg interchange. The proposed amendment and zone change is not anticipated to affect traffic from the site. Normal municipal water and sewer services are available.

CONFORMANCE TO PLANS/POLICIES: The “Wichita Land Use Guide, as amended 1/02” of the *1999 Update to the Wichita-Sedgwick County Comprehensive Plan* identifies this area as appropriate for “commercial” development.

Commercial Objective III.B encourages future commercial areas to “minimize detrimental impacts to other adjacent land uses”. The **Commercial Locational Guideline #3** of the Comprehensive Plan recommends that commercial sites should be located adjacent to arterials and should have site design features that limit noise, lighting, and other activity from adversely impacting surrounding residential areas. **Residential Objective II.A.1** seeks to use community unit plans and other tools to promote mixed use development, higher density residential environment and appropriate buffering. The current C.U.P. has landscape, screening and buffering requirements on the north property line crafted to comply with these strategies and guidelines. The requested rezoning could be viewed as a weakening of the previous buffer strategy.

The requested zone change of the entire parking lot to “GC” General Commercial allows unlimited outdoor storage materials and display of merchandise except within 150 feet of the property line, as regulated by the Unified Zoning Code. This could result in a land use pattern conflicting with **Objective X.E** to improve the visual appearance of Wichita on major travel corridors and to minimize the impact on surrounding uses. The presence of virtually unrestrained outdoor storage and display would be a negative impact on the surrounding commercial uses that observe higher outdoor storage and display standards.

RECOMMENDATION: The requested amendment eliminates safeguards both to the neighborhood to the north and to the commercial uses and visual corridor along Kellogg. The requested amendment exceeds the needs for display and storage exhibited by past practices when the site was in violation of the current requirements. The requested unlimited use of any of the parking field for storage and display is contrary to approved C.U.P. requirements for similar uses along Kellogg (Wal-Mart) and on Ridge Road (Lowe’s).

A suggested substitute amendment and limiting of the rezoning to a 100-foot strip offers a solution to address Home Depot’s need for additional merchandise display area, but to keep the outdoor storage closer to the building and away from the Kellogg visual corridor. It would retain the “LC” strip along the north property line, since rezoning of this strip of land would not allow outdoor storage visible from the adjacent residentially zoned property even with rezoning, and the “LC” zoning was the condition originally agreed upon in the original discussions with the neighborhood. Staff recommends the application be APPROVED subject to the following conditions:

- A. APPROVE the zone change (ZON2003-00075) to “GC” General Commercial for a strip of land extending for a distance of 100 feet to the south from the existing southern extent of “GC” zoning on Parcel 3;
- B. APPROVE the Community Unit Plan (DP-50) Amendment #4, subject to the following conditions:
1. General Provision #25: “For Parcel 3, outdoor storage shall be subject to the limitations and standards for development in the LC districts and any temporary truck/trailer storage permitted under these standards shall be behind screening walls. All open display shall be limited to the limitations and standards for development in LC districts, except that year-round display and seasonal nursery/garden display areas are permitted as indicated on the site plan. Any fencing of these areas must be of wrought iron or similar materials that are approved by the Planning Director. *In addition, outdoor storage/display of rental trucks, and display of trailers, sheds, or other equipment available for sale within the building shall be allowed within 100 feet south of the street wall line of the front of the building. Such display/storage shall not utilize parking required by the Unified Zoning Code, block required fire lanes, and shall be located within a designated area as approved by the Planning Director on a revised C.U.P. drawing.*”
 2. Any major changes in this development plan shall be submitted to the Planning Commission and to the Governing Body for their consideration.
 3. The transfer of title of all or any portion of the land included within the Community Unit Plan does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for commercial development and be binding upon the present owners, their successors and assigns, unless amended.
 4. Prior to publishing the resolution establishing the zone change, the applicant(s) shall record a document with the Register of Deeds indicating that this tract (referenced as DP-50) includes special conditions for development on this property.
 5. The applicant shall submit 4 revised copies of the C.U.P. to the Metropolitan Area Planning Department within 60 days after approval of this case by the Governing Body, or the request shall be considered denied and closed.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The property immediately to the north is zoned “SF-5” Single-family Residential and is part of the Floyd Bailey Second Addition. The “LC” zoning along the north property line was part of the agreed conditions by the developer to protect the neighborhood from the effects of the more intensive use of the parcel by a large home improvement store. The property south of the Home Depot parking lot is zoned “GC” General Commercial but has been developed with the headquarters of a financial institution. The rest of the frontage is at-

grade with the new Kellogg Freeway under construction. The property to the east is zoned "LC" Limited Commercial and has a large vehicle sales lot that is developed with "LC" type of conditions equivalent to a Conditional Use as part of Amendment #2, approved August 24, 1999. The property to the west is mostly "LC", with the northwest corner rezoned "GC" for an enclosed vehicle compound for an internet-based vehicle sales operation (Amendment #3, approved March 7, 2000). This business is no longer in operation. Today the property to the west is the location of two fast-food businesses and a strip center with a variety of tenants, including a post office substation, some retail, and a large office use. The area to the northwest of Parcel 3 is zoned "MF-29" and has a social service facility and condominium townhouses.

2. The suitability of the subject property for the uses to which it has been restricted: The property is being used as zoned and according to C.U.P. restrictions today. The shed type buildings are located within ten feet of the front of the building and trailers are located along the wrought-iron fenced nursery/garden center on the west end of the property. It appears that equipment for rent is within a wrought-iron fenced area on the east side of the building.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Total removal of "LC" storage/display restrictions will negatively impact the surrounding properties and degrade the visual corridor if the unlimited outdoor storage/display is allowed to spill out to near the edges of the parking lot.
4. The length of time the subject property has remained vacant as zoned: The property is in current use.
5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and Policies: The "Wichita Land Use Guide, as amended 1/02" of the *1999 Update to the Wichita-Sedgwick County Comprehensive Plan* identifies this area as appropriate for "commercial" development, which is in conformance with the zoning and uses requested. The requested rezoning and C.U.P. amendment weakens conformance with the commercial, residential, and visual objectives and locational guidelines of the *Comprehensive Plan*. The proposed modification to limiting the rezoning area to 100 feet and limiting the type of display/storage in front of the building would help mitigate these effects.
6. Impact of the proposed development on community facilities: The proposed amendment and zone change is not anticipated to affect traffic from the site.